

No. 9 (1)-81-6Lab/12060.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s N. B. Textiles 41/4 Bahalgarh, Sonapat Road, Sonapat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT
HARYANA, ROHTAK

Reference No. 164 of 1980

between

SHRI MEHARBAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S N. B. TEXTILES
41/4 BAHALGARH SONEPAT ROAD, SONEPAT.

Present :—

• Shri Karan Singh, for the workman.

No one for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/SPT/80-80/35076, dated 1st July, 1980 under section 10 (i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Meharban Singh, workman, and the management of M/s N. B. Textiles, Bahalgarh. The term of the reference was :—

Whether the termination of services of Shri Meharban Singh was justified and in order ?
If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The management appeared in response to the notices on 14th October, 1980 but no one appeared on behalf of the workman. On two occasions, both the parties appeared on 7th January, 1981. The management filed their written statement on 29th April, 1981 but the management absented themselves on 14th July, 1981 and was proceeded against *ex parte* evidence of the workman was recorded on 21st September, 1981. The workman himself was examined as his witness who deposed that he was working with the respondent on the monthly salary of Rs. 285/-. The management victimised him due to his union activities. No show cause notice was issued to him and the management terminated his services by a false show of enquiry and he was not given due opportunity of hearing and to cross examine the management witnesses. I have no reason to disbelieve the un-rebutted statement of the workman made on oath. The management has not cared to defend themselves and has not come forward to prove their contention of holding a just and proper enquiry into the charges levelled against the workman. Relying on the statement of the workman I hold that the termination of the workman was neither justified nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. The reference is answered and returned accordingly.

BANWARI LAL DALAL,

Dated the 26th September, 1981.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 3504, dated the 26th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.